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Attorney Docket No. 3110.22US03

REQUEST FOR CONTINUED EXAMINATION  
(RCE) TRANSMITTAL

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of Application No. 10/804,955, filed March 19, 2004 for: METHOD AND APPARATUS FOR TREATING A VERTEBRAL BODY, by: Stephen Hochschuler, Wesley D. Johnson, Kevin L. Nickels, Thomas R. Hektner, Larry Wales, and Tyler Lipschultz.

1. Submission required under 37 CFR § 1.114

a.  Previously submitted

Please enter in the present application the unentered Amendment under 37 CFR § 1.116, with any attachments, filed on \_\_\_\_\_ in said prior application.  
 Consider the arguments in the Appeal Brief or reply Brief previously filed on \_\_\_\_\_  
 Other \_\_\_\_\_

b.  Enclosed

A Preliminary Amendment is enclosed. Claims added by this Amendment are properly numbered consecutively beginning with the number next following the highest numbered claim in the prior application.  
 Affidavit(s)/Declaration(s)  
 Information Disclosure Statement (IDS)  
 Other \_\_\_\_\_

2.  The filing fee is calculated below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra (Equals)	Small Entity Rate	Fee	OR	Large Entity Rate	Fee
Total	-	=	x 25	\$			x 50	\$
Indep.	-	=	x 105	\$			x 210	\$
RCE fee			+ 405	\$405			+ 810	\$
Mult. Dep.		=	+ 185	\$			+ 370	\$
			TOTAL	\$405	OR	TOTAL		\$

First Presentation of Multiple Dependent Claim [MDC]

\* If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

RCE of U.S. Application No. 10/804,955  
Filed March 19, 2004

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior Amendment or the number of claims originally filed.

3. [X] The Commissioner is hereby authorized to deduct the amount of \$405.00 from our Deposit Account No. 16-0631(The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed). The Commissioner is hereby authorized to grant any extensions of time and to charge any fees under 37 CFR §§ 1.16 and 1.17 that may be required during the entire pendency of this application to Deposit Account No. 16-0631.

Respectfully submitted,



Brad Pedersen  
Registration No. 32,432

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.*